



South Carolina Department of Insurance

Capitol Center
1201 Main Street, Suite 1000
Columbia, South Carolina 29201

NIKKI R. HALEY
Governor

RAYMOND G. FARMER
Director

Mailing Address:
P.O. Box 100103, Columbia, S.C. 29202-3103
Telephone: (803) 737-6160

August 10, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY
c/o CT Corporation System
2 Office Park Court, Suite 103
Columbia, SC 29223

Dear Sir:

On August 10, 2016, I accepted service of the attached Summons and Declaratory Judgement on your behalf. I am, hereby, forwarding that accepted process on to you pursuant to the provisions of S.C. Code Ann. § 38-5-70. By forwarding accepted process on to you, I am meeting a ministerial duty imposed upon me by S.C. Code Ann. § 38-77-160. I am not a party to this case. The State of South Carolina Department of Insurance is not a party to this case. It is important for you to realize that service was effected upon your insurer on my date of acceptance for service.

You must promptly acknowledge in writing your receipt of this accepted process to adubois@dol.sc.gov. When replying, please refer to File Number 163173, Stephanie Jones v. ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY, 2016-CP-400-4764.

By:

Sincerely Yours,

A handwritten signature in black ink, appearing to read "David E. Belton".

David E. Belton
Senior Associate General Counsel
(803)737-8132

Raymond G. Farmer
Director
State of South Carolina
Department of Insurance

Attachment

CC: Christopher R. Hart
Hart Law Firm
3814 N. Main Street
Columbia, SC 29203

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE
P.O. BOX 100105
COLUMBIA, S.C. 29202-3105

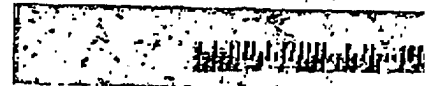


91 7199 9991 7036 4835 3087

CERTIFIED MAIL**RETURN RECEIPT REQUESTED****SERVICE OF PROCESS**

ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY
c/o CT Corporation System
2 Office Park Court, Suite 103
Columbia, SC 29223

Presort
First Class Mail
Combination



No. 7902 P. 3

ALLSTATE INSURANCE

Aug. 25. 2016 12:19PM



CT Corporation

**Service of Process
Transmittal**

08/11/2016

CT Log Number 529656398

TO: Wayne Gaymon
Allstate Insurance Company - Palmetto MCO
1400 Browning Road
Columbia, SC 29210

RE: Process Served in South Carolina

FOR: Allstate Fire and Casualty Insurance Company (Domestic State: IL)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Stephanie Jones, Pltf. vs. Allstate Fire and Casualty Insurance Company, Dft.
DOCUMENT(S) SERVED: Letter, Cover Sheet, Summons, Complaint
COURT/AGENCY: Richland County Court of Common Pleas, SC
Case # 2016CP4004764
NATURE OF ACTION: Insurance Litigation
ON WHOM PROCESS WAS SERVED: CT Corporation System, Columbia, SC
DATE AND HOUR OF SERVICE: By Certified Mail on 08/11/2016 postmarked on 08/10/2016
JURISDICTION SERVED: South Carolina
APPEARANCE OR ANSWER DUE: Within 30 days after the service hereof, exclusive of the day of such service
ATTORNEY(S) / SENDER(S): Christopher R. Hart
Hart Law Firm
3814 North Main Street
Columbia, SC 29203
803-771-7701
ACTION ITEMS: CT has retained the current log, Retain Date: 08/11/2016, Expected Purge Date:
08/16/2016
Image SOP
Email Notification, Wayne Gaymon wayne.gaymon@allstate.com
Email Notification, Pauline Harley pauline.harley@allstate.com
Email Notification, Matthew Stalvey matthew.stalvey@allstate.com
SIGNED: CT Corporation System
ADDRESS: 2 Office Park Court
Suite 103
Columbia, SC 29223
TELEPHONE: 866-286-4469

Page 1 of 1 / PR

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

STEPHANIE JONES

Plaintiff(s)

vs.

ALLSTATE FIRE AND CASUALTY INSURANCE
COMPANY

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2016CP4004764

(Please Print)

Submitted By: Christopher R. Hart
Address: 3814 N. Main Street
Columbia, SC 29203SC Bar #: 68162
Telephone #: (803) 771-7701
Fax #: (803) 771-7668
Other:
E-mail: CRISTY@CHRISHARTLAW.COM

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|---|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> Employment (120)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Other (199) | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
20 -CP- -
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) | Torts - Personal Injury
<input type="checkbox"/> Assault/Slander/Libel (300)
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Other (399) | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) |
| Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)
<input type="checkbox"/> Other (799) | Administrative Law/Relief
<input type="checkbox"/> Reinstatement Driver's License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) | Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Commission (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) |
| Special/Complex /Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb. (610)
<input type="checkbox"/> Medical (620)
<input checked="" type="checkbox"/> Other (699) | <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Unfair Trade Practices (640)
<input type="checkbox"/> Out-of-State Depositions (650)
<input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)
<input type="checkbox"/> Sexual Predator (510) | Summons and complaint or
this case and service accepted
in accordance with law
this 12 day of Aug 2016
Raymond W. Finner
Director of Insurance
and Attorney to Accept Service
Columbia, SC | |

Submitting Party Signature: Christopher R. Hart

Date: JULY 21 2016

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §13-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Colleton, Florence, Greenville, Hampton, Horry,
Jasper, Lexington, Pickens (Family Court Only), Richland, Union and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

CASE No.: 2016-CP-_____

STEPHANIE JONES,)

Plaintiff,)

SUMMONS

[NON-JURY TRIAL DEMANDED]

vs.)

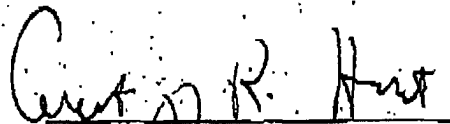
ALLSTATE FIRE AND,
CASUALTY INSURANCE
COMPANY)

Defendant.)

RICHLAND COUNTY
FILED
2016 AUG - 9 PM 1:48
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

TO: ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer on Christopher R. Hart, the Attorney for the Plaintiff, at 3814 N. Main Street, Columbia, South Carolina, within thirty days from the date of service of this Summons, exclusive of the date of service. If you fail to answer the Complaint within thirty days, judgment by default will be rendered against you for the relief requested in the complaint.



Christopher R. Hart
THE HART LAW FIRM
3814 N. Main Street
Columbia, SC 29203
803-771-7701
803-771-7668 (Fax)
ATTORNEY FOR PLAINTIFF

Columbia, South Carolina

July 21, 2016

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

STEPHANIE JONES,

Plaintiff,

v.

ALLSTATE FIRE AND
CASUALTY INSURANCE COMPANY
Defendants.

IN THE COURT COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Civil Action No. 2016-CP-

DECLARATORY JUDGMENT
UIM INSURANCE COVERAGE
(NON-JURY TRIAL DEMANDED)

RICHLAND COUNTY
FILED
2016 AUG -9 PM 1:40
JENNIFER W. MCBRIDE
CLERK P. & S.S.

Plaintiff Stephanie Jones, seeking a declaration of rights pursuant to the Uniform Declaratory Judgments Act, S.C. CODE ANN. §§ 15-53-10 to -140 (2014), as set forth herein, alleges:

PARTIES

1. Plaintiff Stephanie Jones is a (hereinafter known as "Plaintiff"), is a citizen and resident of the County of Georgetown County, State of South Carolina and have been at all times relevant to this action.

2. Defendant Allstate Fire and Casualty Insurance Company is a corporation organized and existing under the laws of the United States and conducting business; and regularly transacts business in Richland County in South Carolina.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to S.C. CODE ANN. §§ 15-53-20 (2014); and venue is proper in Richland County.

BACKGROUND

4. On March 4, 2016 Plaintiff, Stephanie Jones was driving a 2011 Nissan Altima north on Decker Blvd when she was hit head on by Kylie Jones driving a 2012 Nissan SUV.

5. As a result of the collision Stephanie Jones sustained injuries requiring medical treatment and observation in the Intensive Care Unit with current costs now exceeding Sixty Two Thousand and Twenty Five Dollars and Sixty Cents (\$62,025.60). Ms. Jones recovered the liability policy limits from the defendant driver, Kylie Jones insurance carrier (State Farm Insurance) in the amount of Twenty Five Thousand Dollars and No Cents (\$25,000.00).

6. Plaintiff Stephanie Jones has presented a claim for Under Insured Motorist coverage on her mother, Catherine Holloway's Allstate Insurance Company policy number 963729343 and identified by claim number 0404930588 which has UIM coverage on (3) three vehicles for \$50,000 (fifty Thousand Dollars) each vehicle.

7. Plaintiff's submitted a claim for UIM coverage (attached) on her mother's policy for the applicable (3) vehicles on her status as a resident relative of her mother.

8. Plaintiff submitted (11) eleven different documents supporting her status a resident relative of her mother.

9. Plaintiff also submitted SC Supreme Court case Buddin v. Nationwide Mutual Insurance Co., 250 S.C. 332, 157 S.E. 2d 633 (1967) wherein the court stated the "phrase 'resident of the same household' has no absolute or precise meaning, and if doubt exists as to the extent or fact of coverage, the language used in most policies will be understood in its *most inclusive* sense."

10. In response to the documentation submitted by the Plaintiff Allstate denied her claim to stack the applicable (3) three vehicles asserting Plaintiff was not a resident relative of her

her mother at the time of the accident on March 4, 2016.

TERMS OF THE POLICIES

11. The Under Insured policies issued by Allstate Insurance Company contain the following provisions:

**SECTION 11-UNDERINSURED MOTORIST INSURANCE-
COVERAGE**

**COVERAGE A. BODILY INJURY AND PROPERTY
DAMAGE LIABILITY**

1. Insuring Agreement

We will pay those damages that an insured person is legally entitled to recover from the owner or operator of an underinsured auto because of:

- a. bodily injury sustained by an insured person; and
- b. property damage.

The bodily injury or property damage must be caused by accident and arise out of the ownership, maintenance or use of an underinsured auto.

We will pay under this coverage only after the limits of liability under any applicable liability bonds or policies, or any applicable uninsured motorists coverage have been exhausted by payment of judgments or settlements.

2. Insured Persons

1. you and any resident relative.
2. any other person while in, on, getting into or out of an insured auto with your permission.
3. any other person who is legally entitled to recover because of bodily injury to you, a resident relative or an occupant of your insured auto with your permission.

PART 3-SECTION 11- DEFINITIONS

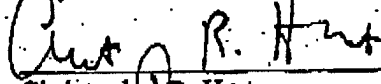
5. Resident means a person who physically resides in your household with the intention of continuing residence there. Your unmarried dependent children while temporarily away from home will be considered residents if they intend to resume residing in your household.

DECLARATORY JUDGMENT

12. Plaintiff, Stephanie Jones wishes to present the issue of coverage to include determination of plaintiff's "resident relative" status to this court for the Court's declaratory judgment.

WHEREFORE, the Plaintiff requests Declaratory Judgment on the issue of UIM coverage and plaintiff's status as a household relative at the time of collision and such relief supported by the evidence as provided under our laws this Court deems just and proper.

HART LAW FIRM



Christopher R. Hart
Attorney for the Plaintiff
3814 North Main Street
Columbia, SC 29203
(803) 771-7701 Phone
(803) 771-7668 Fax

Date: 7/21/16
Columbia, South Carolina